

REMARKS

The above amendment is responsive to points set forth in the Official Action.

With regard to the rejection on page 2, paragraph 2, claims 12-22 have been rejected as lacking written description in the specification for the negative limitation "that the carboxylic acid is not retinoic acid".

In reply, this negative limitation has been deleted from each of the claims concerned i.e. claims 12 and 19-22.

Further, the presence of a xanthine has been made an essential feature of the composition of claim 12 and, as a consequence, claim 16 has now been deleted. This feature has also been added to each of claims 19, 20, 21, and 22.

The significance of this amendment will become further apparent from the remarks below.

Claims 12-13 and 19-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Mehta (5,811,119).

This rejection is respectfully traversed.

As discussed in the response to the previous Official Action, the cited Mehta (US 5,811,119) discloses liposomal compositions containing retinoic acid for use in the treatment of cancer. It is acknowledged that retinoic acid is a carboxylic acid, although it is not a hydroxy carboxylic acid (which is the type preferred for use in the composition of the present application). In any event, Mehta does not teach or suggest compositions containing a xanthine.

The above comments are also applicable to the rejection of claims 12-15 and 18-22 under 35 U.S.C. 103(a) as being unpatentable over either Roux (6,103,259) or Hayward (5,585,109) in combination with Mehta and the rejection of claims 16-17 under 35 U.S.C. 103(a) as being unpatentable over either Roux (6,103,259) or Hayward (5,585,109) in combination with Mehta cited above, further in view of either Touitou (5,716,638) or Ribier (5,614,215).

The deficiencies of the remaining references are discussed in the previous response dated July 11, 2003 and particularly on pages 5-7. This discussion is incorporated by reference herein.

For the forgoing reasons, it is apparent that the rejections on prior art are untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Steven LEIGH et al.

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS APPLICATION TO DEPOSIT
ACCOUNT NO. 23-0975

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